

MEMORANDUM

TC
Substitute to
Agenda Item No. 1(F)3

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

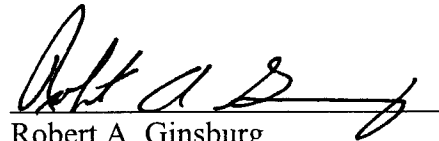
DATE: October 18, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance pertaining to
Miami International Airport
zoning

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.

This substitute ordinance differs from the previous version in that it modifies certain approval requirements and processes for expanding education facilities, provides for interlocal agreements to allow municipalities to perform certain administrative functions and corrects scrivener's errors.


Robert A. Ginsburg
County Attorney

RAG/jls

Memorandum



Date:

To: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name.

Subject: Ordinance relating to Miami International Airport zoning

This ordinance relating to Miami International Airport zoning will have no fiscal impact on Miami-Dade County.

fiscal/04304



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 27, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(S)

Please note any items checked.

- ☒ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor _____ Agenda Item No. _____
Veto _____
Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING; ADOPTING LEGISLATIVE FINDINGS; MODIFYING DEFINITIONS AND REGULATIONS OF HEIGHT, USES AND STRUCTURES PERMITTED IN PROXIMITY TO MIAMI INTERNATIONAL AIRPORT; ESTABLISHING STANDARDS AND PROVIDING FOR APPROVAL OF CERTAIN EDUCATIONAL FACILITIES AND VARIANCES BY BOARD OF COUNTY COMMISSIONERS AFTER RECOMMENDATION BY THE AIRPORT DEVELOPMENTAL IMPACT COMMITTEE EXECUTIVE COUNCIL (AIRPORT DIC); ESTABLISHING AIRPORT DIC AND PROVIDING FOR MUNICIPAL REPRESENTATION IN CERTAIN CASES; PROVIDING FOR APPROVAL OF CERTAIN NEW EDUCATIONAL FACILITIES AFTER SITE PLAN REVIEW BY THE MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING; PROVIDING STANDARDS AND PROCESS FOR APPROVING EXPANSIONS AND MODIFICATIONS OF EXISTING EDUCATIONAL FACILITIES; CREATING SECTIONS 33-303.2 AND 33-343.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); AMENDING ARTICLE XXXVII OF CHAPTER 33 AND SECTION 33-314 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-330.1 of the Code of Miami-Dade County, Florida, is hereby created as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ARTICLE XXXVII. MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING

>>Section 33-330.1. Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that the uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. Pursuant to Ordinance No. 75-22, the Board adopted and accepted the Comprehensive Development Master Plan (CDMP) for Miami-Dade County whereby it specifically declared that it was the continuing policy of Miami-Dade County, in cooperation with federal, state, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:

- (a) foster and promote the general welfare;
- (b) to create and maintain conditions under which man and nature can exist in productive harmony; and
- (c) to fill the social, economic and other requirements of the present and future generations of citizens of Miami-Dade County, Florida.

The Board further finds that the CDMP was enacted to assure for all people of Miami-Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, an environment which supports diversity and variety of individual choice; to achieve a balance between population and resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources.

Among the CDMP provisions designed to achieve these ends are goals, objectives and policies to ensure the provision of an economic, integrated environment and community sensitive and balanced system of air transportation, facilities and services; to maximize compatibility between airports and the surrounding communities; and to maximize aviation's support of local and regional economic growth. In furtherance of these goals, objectives and policies, the Board finds that the coordinated review and analysis of its airport facilities and surrounding communities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of airport facilities and the surrounding communities' present and future land uses is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of the efficient land use around the airport, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan development patterns and life styles. The capability of an efficient, safe airport system and associated industry and businesses, acting in conjunction with other urban services,

including public and private educational facilities, to establish general development trends, is well recognized. A maximum coordination of the airport system requirements and land use policy decisions is therefore essential to optimize the role of the airport system as a potent tool for implementing the desired patterns of metropolitan development in Miami-Dade County.

This Board further finds that the Legislature of the State of Florida has mandated the adoption of land use regulations by Miami-Dade County, as a political subdivision authorized to establish and operate airports within its territorial limits, to assure compatible land uses in the areas surrounding such airports. This Board acknowledges and adopts as its own those legislative findings in Chapter 333, Florida Statutes, that call for coordinated planning airports and coordinated land uses in proximity thereto.

Among the matters specifically required by Chapter 333, Florida Statutes, to be regulated are the siting and construction of public and private educational facilities in certain defined areas in proximity to airports. This Board hereby finds that public and private educational facilities for all of Miami-Dade's communities are an indispensable urban service, essential to achieving a high standard of living for Miami-Dade County's residents and to meeting critical social and economic needs. This Board further finds that meeting the escalating demand for such educational facilities in already developed or rapidly developing urban areas is expensive and difficult, due in part to dwindling supplies of available developable land. This Board further finds that where certain conditions and requirements are met, as prescribed by the zoning regulations contained herein, educational facilities can safely, effectively and economically be sited and constructed within defined areas in proximity to all of Miami-Dade County's airports, including Miami International Airport. This Board's adoption of the regulations contained herein reflect its balancing of the escalating need and demand for educational facilities to serve its residents, the health and safety concerns pertinent to allowing development in proximity to Miami International Airport, and the interest in maintaining and fostering business and industry associated with aviation in general and specifically with Miami International Airport. <<

Section 2. Section 33-331 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-331. Provisions hereof established as minimum standards governing zoning.

It is established that the airport zoning area for Miami International Airport (Wilcox Field), the zone classification districts therein and the height limitations applicable to such districts, as the same are hereinafter set forth, shall be incorporated with all other minimum standards governing zoning heretofore or hereinafter adopted pursuant to Section 4.07 of the Home Rule Charter for ~~[[Metropolitan]]~~ >>Miami<<Dade County, Florida.

Section 3. Section 33-332 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-332. Definitions.

In construing the provisions hereof and each and every word, term, phrase or part thereof, where the context will permit, the definitions provided in Section 1.01, Florida Statutes, and Section 33-1 and Section 33-302 of the Code of ~~[[Metropolitan]]~~ >>Miami<<Dade County, Florida, and the following definitions shall apply:

- * * *
- (3) >>Airport hazard means any structure, obstruction, tree or use of land which exceeds the federal obstruction standards contained in 14 C.F.R. sections 77.21, 77.23, 77.25, 77.28 and 77.29, or which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or which is otherwise hazardous to taking off, maneuvering, or landing of aircraft.
- (3.1) Aviation-related school shall mean any educational facility whose greater portion of curriculum is in the education or training in the science and art of flight and airports, including but not limited to: the operation and construction of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or subjects pertaining thereto.
- (3.2) Educational facilities shall mean both those facilities as defined by Chapter 1013, Florida Statutes, as amended, including but not limited to traditional public schools and charter schools, and also private schools, as defined by the Code of Miami-Dade County. It is provided, however, that for purposes of this article, educational facilities shall not include “baby-sitting services for shoppers” or “family day care homes” as those terms are defined in section 33-151.11 of the Code, or day nurseries serving the workers in a lawful commercial or industrial use, when fully contained in the structure accommodating such commercial or industrial use.
- (3.3)<< ~~[[Airport-h]]~~>>H<< azard >>to Air Navigation<< means >>an object which will have substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.<<
~~[[any structure or tree or use of land which obstructs the airspace~~

~~required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.]]~~

- (4) *Height*: For the purpose of determining the height limits in all districts set forth in this article and shown on ~~[[the boundary map for zone classification districts, the datum shall be mean sea level (MSL) elevation unless otherwise specified]]~~ >> the Airport Height Zoning Area Map (MIA), as defined herein, height shall mean the maximum vertical distance between Mean Sea Level (MSL) and the top of the object or structure. <<

- (5) *Instrument runway* means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing or takeoff of aircraft under restricted visibility conditions. The instrument runways at Miami International Airport are designated as Runways ~~[[9L/27R]]~~ >> 8R/26L <<, ~~9[[R]]/27[[L]]~~ and 12/30. Their centerlines are described as follows:

(a) *Runway* ~~[[9L/27R]]~~ >> 8R/26L <<: Commencing at the SE corner of the NW 1/4 of Section 29, Township 53 South, Range 41 East, >> Miami << Dade County, Florida; thence N 1° 43' 33.8" W a distance of 459.03 feet; thence S 87° 04' 03" W a distance of 1685.80 feet to the east end of the runway and the point of beginning; thence S 87° 04' 03" W a distance of 10,500 feet to the west end of the runway.

(b) *Runway* ~~9[[R]]/27[[L]]~~: Commencing at the SE corner of the NW 1/4 of Section 31, Township 53 South, Range 41 East, >> Miami << Dade County, Florida; thence S 87° 20' 34.4" W a distance of 920.11 feet; thence N 10° 42' 02" W a distance of 670.40 feet; thence S 87° 04' 03" W a distance of 10,310 feet to the west end of the runway and the point of beginning; thence N 87° 04' 03" E a distance of 13,000 feet to the east end of the runway.

(c) >> Runway 12/30 << Commencing at the SE corner of the NW 1/4 of Section 31, Township 53 South, Range 41 East, >> Miami << Dade County, Florida; thence N 69° 45' 53" E a distance of 986.62 feet to the southeasterly end of the runway and the point of beginning; thence N 60° 51' 27" W a distance of 9,355 feet to the northwesterly end of the runway.

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>>(6.1) New construction shall mean any residential or educational facility or other structure which obtained the initial building permit for the structure after (the effective date of this ordinance)
, 2004. <<

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>>(7.1) Non-instrument runway means a runway other than an instrument runway. The non-instrument runway at Miami International Airport is designated as Runway 8L/26R. Its centerline is described as follows:

(a) Runway 8L/26R: Commencing at the Northwest corner of Section 25, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence southward along the west line of said Section 25 a distance of 3245.23 feet; thence N 87° 22' 38" E a distance of 1138.87 feet to the west end of the runway and the point of beginning; thence N 87° 22' 44" E a distance of 8,600 feet to the east end of the runway.

(7.2) Obstruction means any structure, growth, or other object including a mobile object, which exceeds the height limitation as set forth in this article. <<

* * *

(10) Runway means [[a]] >> the <<[[~~paved surface of uniform width used by aircraft by aircraft for~~]] >>defined area on an airport prepared for << landing and [[~~taking-off~~]] >> take-off of aircraft along its length.<<

(11) Primary surface, sometimes hereinafter called "landing district," means a surface longitudinally centered on a runway and extending two hundred (200) feet beyond each end of that runway. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface >>for instrument runways<< is one thousand (1,000) feet. >>The width of the primary surface for non-instrument runways is five hundred (500) feet.<<

* * *

Section 4. Section 33-333 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-333. Establishment of airport zoning area for Miami International Airport (Wilcox Field).

For the purpose of this article there is hereby created and established the airport zoning area for Miami International Airport (Wilcox Field), and it is hereby

ordained that such area shall include, and that the provisions of this article shall be applicable to and embrace, all of the unincorporated and incorporated land and water area lying, situate and being in those certain portions of >>Miami<<Dade County, Florida, within the following described boundaries:

- (1) *Northern boundary.* Commencing at the intersection of the >>Miami<< Dade County-Broward County line and the centerline of U.S. Highway 27, proceed easterly along the County line to the range line between Range 42 and Range 43 East.
- (2) *Eastern boundary.* Commencing at the intersection of the >>Miami<< Dade County-Broward County extended, and the range line between Range 42 East and Range 43 East, proceed southerly along said range line to the intersection of theoretical S.E. 152 Street.

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Section 5. Section 33-334 of the Code of Miami-Dade County, Florida, is

hereby amended as follows:

Sec. 33-334. Establishment of zone height classification districts for airport zoning area. ~~[[; criteria for review of land use and zoning modifications in airport zoning area]]~~

(A) For the purpose of this article all of the airport zoning area for Miami International Airport (Wilcox Field), as the same is created, established and described hereinbefore, is hereby divided into airport zone height classification districts as follows:

- (1) *L or Landing districts >>(Primary Surfaces)<<.* A "landing district" (also known as "primary surface") is established for each instrument >>and non-instrument<< runway. A landing district for an instrument runway shall have a uniform width of one thousand (1,000) feet[[;]] >>. A landing district for a non-instrument runway shall have a uniform width of five hundred (500) feet. All landing districts<< shall extend for the full length of such runway plus a distance of two hundred (200) feet beyond each end thereof and shall include such runway and be symmetrical about the centerline thereof. Each landing district shall embrace and include all of the land and water area lying vertically beneath an imaginary surface referred to as the primary surface which shall have an elevation equal to the elevation of the nearest point on the runway centerline.

- (2) *IA or Instrument approach districts.* An "instrument approach district" is established for each end of each instrument runway for instrument landings and takeoffs, and it is further established that each instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the instrument approach surface.

The instrument approach surface shall begin on a base one thousand (1,000) feet wide, such base to be at a position two hundred (200) feet beyond the end of the runway and from such base the approach surface shall widen uniformly to sixteen thousand (16,000) feet at a horizontal distance of fifty thousand ~~>>two hundred<<~~ (50,[[000]]>>200<<) feet beyond the ~~[[base of the approach surface,]]~~ ~~>>end of the runway<<~~ the centerline of ~~[[such approach]]~~ ~~>>this<<~~ surface being the ~~[[continuation]]~~ ~~>>extension<<~~ of the centerline of the runway.

The instrument approach surface shall extend outward and upward from its one thousand-foot-wide base, the elevation of which base is ten (10) feet MSL.

(a) For runways 8R, 26L, 12 and 30, the approach surface shall slope upward one (1) foot vertically to sixty-five (65) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.

(b) For runways 9 and 27, the approach surface shall slope upward one (1) foot vertically to fifty (50) feet horizontally for the first ten thousand (10,000) feet of its length, and from thence it shall slope upward one (1) foot vertically to forty (40) feet horizontally for the remaining forty thousand (40,000) feet.

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- (5) *DZ or Departure zone district.* A "departure zone district" is hereby established adjacent to each instrument runway, and it is further established that each departure zone district shall embrace and

include all of the land and water area lying vertically beneath imaginary inclined surfaces which shall hereafter, for the purpose of this article, be referred to and described as departure ~~[[zoning area; criteria for review of land use and zoning modifications in airport zoning area]]~~ >>zone surface 1 and departure zone surface 2 as depicted on the Airport Height Zoning Area Map for Miami International Airport as defined herein.. The high structure set-aside district, which is hereinafter established and described, shall not be a part of and is hereby specifically excluded from the departure zone district <<.

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- (8) ~~[[Critical Area Approach Departure Surface. The first ten thousand (10,000) feet of an IA or instrument approach district is also classified as a critical area approach departure surface, and land uses in the area lying beneath the imaginary inclined surface of the critical area approach departure surface shall not include places of public assembly, schools, churches, hospitals, single and multiple family residences.]]~~

>>NA or Non-instrument approach districts. A "non-instrument approach district" is established for each end of each non-instrument runway for non-instrument landings and take-offs and it is further established that each such non-instrument approach district shall embrace and include all of the land and water area lying vertically beneath an imaginary inclined surface which shall hereafter, for the purposes of this article, be referred to and described as the non-instrument approach surface.

The non-instrument approach surface shall begin, and shall have a base five hundred (500) feet wide, at a distance of two hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond the end of the runway, the centerline of this surface being the continuation of the centerline of the runway.

The non-instrument approach surface shall extend outward and upward from its five hundred-foot-wide base, the elevation of which is base is ten (10) feet MSL.

- (a) For Runways 8L and 26R, the approach surface shall slope upward one (1) foot vertically to thirty-four (34) feet horizontally for its entire length <<
- (B) Criteria included in the ~~[[Miami International Airport Compatibility Study, dated December 1971, and the]]~~ Miami-Dade County Comprehensive Development Plan shall be utilized in the review of land use and zoning modifications which are requested in the hereinbefore established airport zoning area.

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Section 6. Section 33-335 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-335. Establishment of height limitations for zone classification districts in the airport zoning area.

Except as otherwise provided elsewhere in this article, no structure shall be erected or altered and no tree shall be allowed to grow or be maintained in any district created and established by this article to a height in excess of the height limits herein established for such district >>, as established by the Airport Height Zoning Area Map for Miami International Airport defined in this section. << Such height limitations will, in applying the provisions of this article, be corrected to elevations referred to the heretofore established mean sea level datum (msl) plane, by adding such height limitations to the mean sea level (msl) elevation of the point, line or plane to which such height limitation is referenced, or to the airport elevation, as the context of this article requires. An area, a structure or a tree located in more than one (1) of the described districts is considered to be only in the district with the more restrictive height limitation.

>>The Board of County Commissioners hereby adopts, approves and ratifies the map entitled "Airport Height Zoning Area Map for Miami International Airport" as prepared by the Miami-Dade Aviation Department, dated August 26, 2003, reflecting the above-defined height limitations, which is on file in the Office of the Miami-Dade County Department of Planning and Zoning. Such map shall be the official height zoning map for the Miami International Airport, shall establish the maximum height of the structures and shall be applicable to and controlling of such height limitations established herein.<<

Such limitations are hereby established for the districts as follows:

- (1) ~~[[Landing districts: Structures and trees will not be permitted in landing districts except as required, necessary and pertinent to the operation and maintenance of Miami International Airport (Wileox Field) and then only to the extent permitted or authorized by applicable rules or regulation promulgated by Miami Dade County and the Federal Aviation Administration, or its successor counterpart]]~~ >>For Runways 8R, 26L, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.<<

- (2) ~~[[Instrument approach districts:~~

- (a) ~~For Runways 9L, 27R, 12 and 30: One (1) foot vertically for each sixty-five (65) feet horizontally beginning at a point two hundred (200) feet from the end of each instrument runway and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.~~

~~(b)]~~For Runways 9 ~~[[R]]~~ and 27 ~~[[L]]~~, one (1) foot vertically for each fifty (50) feet horizontally beginning at a point two hundred (200) feet from the end of these instrument runways and extending for a distance of ten thousand two hundred (10,200) feet from the end of each runway; thence one (1) foot vertically for each forty (40) feet horizontally for a distance of forty thousand (40,000) feet to a point fifty thousand two hundred (50,200) feet from the end of each runway.

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>>(8) Non-Instrument approach districts:

- (a) For Runways 8L and 26R, the non-instrument approach surface shall extend outward and upward from its base, the elevation of which shall be the same as that of the runway end adjacent thereto, with a slope of one (1) foot vertically to thirty-four (34) feet horizontally for its entire length.<<

Section 7. Section 33-336 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-336. ~~[[Zone classification district boundary map for the airport zoning area]] >>Establishment of land use zoning classification maps, criteria and use restrictions for Miami International Airport and surrounding area. <<~~

The Board of County Commissioners hereby adopts, approves and ratifies >> the map "Airport Land Use Zoning Map for Miami International Airport and Surrounding Area," as prepared by the Miami-Dade Aviation Department, dated July 19, 2004, reflecting the location and identifying Miami International Airport and other topographic data pertinent thereto depicting the boundaries of the airport zoning area and the airport zone sub-areas. Such map establishes the boundaries of the airport zoning area and sub-areas, and all prohibitions, restrictions and limitations on uses permitted thereon. The above defined map, which is on file in the Miami-Dade County Department of Planning and Zoning, shall be an official land use zoning map for the Miami International Airport and surrounding area, shall evidence the boundaries of the areas and sub-areas depicted thereon, and shall be applicable to and controlling of zoning for such area and sub-areas.<< ~~[[a drawing "Airport Zoning Area Map Miami International Airport Aircraft Arrival/Departure Districts," the original of which is on file with the Clerk of the Board. Such drawing shall locate and identify Miami International Airport (Wilcox Field) and other topographic data pertinent thereto and to the purposes of this article, and shall truly and faithfully depict the boundary of the airport zoning area and the boundaries and by contour lines, the height limitations, for the several zone classification districts therein as the same are established herein and as the same may be changed, varied, amended or supplemented by resolution as provided and prescribed in Chapter 33 of the Code of Miami Dade County, Florida. Copies or prints of such drawing shall be maintained and kept on file in the offices of the Miami Dade County Aviation Department and the Department and shall be prima facie evidence of the boundaries of the zone classification districts and the height limitations applicable thereto and therein.]]~~

>>(A) For the purpose of this article all of the land use zoning criteria for Miami International Airport, and surrounding area, as the same is created established and described hereinbefore, is hereby divided into zones as follows:

- (1) Inner Safety Zone (ISZ), also referred to as the Runway Protection Zone (RPZ). For Miami International Airport, the ISZ is defined as an area which is centered about the extended runway centerline and begins 200 feet beyond the end of the area usable for take-off or landing. The ISZ dimension for

Runways 12/30, 9R/27L, 9L/27R and 8/26 begin at a width of 1,000 feet and extends 2,500 feet to a width of 1,750 feet. The ISZ dimension for Runways 8/26 begin at a width of five hundred (500) feet and extends one thousand seven hundred (1,700) feet to a width of one thousand ten (1,010) feet.

- (2) Outer Safety Zone (OSZ). The OSZ is described as an area that extends outward from the ISZ to a point that is five thousand (5,000) feet from the runway end. The OSZ dimensions for Runways 12/30, 9R/27L and 9L/27R begin at a width of 1,750 feet and extend outward 2,300 feet to a width at 2,440 feet. The OSZ dimensions for Runways 8/26 begin at a width of one thousand ten (1,010) feet and extend outward three thousand one hundred (3,100) feet to a width at one thousand nine hundred forty (1,940) feet.
- (3) Inner Land Use Zone (ILZ). An ILZ for Miami International Airport is considered to be within the 75 decibel and greater Day Night Noise Level (DNL) Noise Contour which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The ILZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
- (4) Outer Land Use Zone (OLZ). The OLZ for Miami International Airport is within the 65 to 74 decibel Day Night Noise Level (DNL) Noise Contour, which depicts concentrations of aircraft noise around an airport based on day night noise levels averaged over a year. The OLZ is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area defined herein.
- (5) Critical Area Approach Zone (CA). A CA for each runway at Miami International Airport covers an area that extends five (5) statute miles from the end of a runway in a direct line along the extended centerline of the runway, and has a width measuring one-half (1/2) the length of the longest runway at Miami International Airport. The CA for each runway consist of a CA-A, a CA-B and a CA-C sub-zone. The CA-A is the area closest to the runway and extends out two (2) miles from the end of the runway; the CA-B extends out the next one-and-one-half miles from the end of the CA-A; and the CA-C extends out the remaining one-and-one-half miles from the end of the CA-B. The CA is depicted on the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area.

(B) No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in the Miami International Airport (Wilcox Field) Zoning Area, which is designed, arranged, or intended to be used or occupied for any purpose otherwise permitted in the underlying zoning district, except in compliance with the following restrictions, limitations and prohibitions:

- (1) *Inner Safety Zone (ISZ).* New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this land use zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels, motels, or hospitals and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. In no event shall this prohibition be varied.
- (2) *Outer Safety Zone (OSZ).* New residential construction, educational facilities (excluding aviation related schools), and buildings for public assembly in excess of 1000 persons are prohibited within this zone. It is provided, however, that the prohibition on buildings for public assembly shall not apply to hotels, motels, or hospitals and their ancillary uses. Additionally, the prohibition on buildings for public assembly as provided herein shall not apply to structures used in connection with public transportation. There shall be no variance pertaining to the residential and educational uses prohibited herein nor any variance permitting a use for public assembly other than as permitted in this paragraph.
- (3) *Inner Land Use Zone (ILZ).* New residential construction and educational facilities (excluding aviation related schools) are prohibited within this zone. In no event shall this prohibition be varied.
- (4) *Outer Land Use Zone (OLZ).* New residential construction constructed after the effective date of this ordinance and educational facilities (excluding aviation related schools) within this land use zone are only permitted where not otherwise prohibited and where a minimum of 25 decibel (db) Noise Level Reduction (NLR) materials are incorporated in the design and construction of the structure.

- (5) Critical Area Approach Zone (CA). Educational facilities in the CA (excluding aviation related schools) are subject to the following prohibitions, restrictions and limitations.

Nothing in this subsection shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former section 235.19, Florida Statutes, as of July 1, 1993. It is provided, however, that applicants for new structures or modifications to existing structures shall be subject to all other applicable zoning regulations in this code.

A new public educational facility site proposed or selected after the effective date of this ordinance (_____, 2004), when located partially within the CA-B or CA-C sub-zone, shall not be subject to the requirements of this subsection, where no more than 25% of the site is within the CA and no portion of the site within the CA is designated or will be used for classroom space.

The requirements of this subsection shall not apply to replacement or modification of an existing public educational facility where there is no increase in the total number of student stations authorized for such facility as of (the effective date of this ordinance _____, 2004) and there is no expansion of the site.

CA-A. No new educational facilities (except aviation related schools) are permitted in the CA-A sub-zone. In no event shall this prohibition be varied.

Educational facilities existing as of the effective date of this ordinance (_____, 2004), shall be permitted to expand, upon demonstration that the requirements and standards established in section 33-337 (A), the underlying zoning district standards, and all other standards in this Chapter have been met. In no event shall this provision be varied.

CA-B. Establishment of an educational facility is permitted in the CA-B sub-zone, after public hearing upon demonstration that the requirements and standards established in section 33-337(A), the underlying zoning district standards, and all other standards in this Chapter applicable to educational facilities have been met.

Expansions and modifications of an educational facility shall be permitted in the CA-B sub-zone, upon application for building permit pursuant to section 33-340 of this code, when otherwise in compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

- (i) any on-site expansion or modification of non-occupied space, including but not limited to bus drop-offs, parking lots, and playing field improvements;
- (ii) any on-site expansion or modification of non-classroom occupied space, up to 25% above the square footage of the educational facility as of the effective date of this ordinance (_____, 2004); or
- (iii) any on-site expansion or modification of classroom space, up to 25% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (_____, 2004), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (_____, 2004) by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (_____, 2004), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-B sub-zone shall be permitted upon demonstration that the requirements and standards established in section 33-337(B)(2), (3) and (4) have been met.

CA-C. Establishment of an educational facility is permitted in the CA-C sub-zone, when in compliance with the requirements of section 33-337(B), the underlying zoning district standards, and all other standards in this Chapter applicable to educational facilities. Expansions and modifications of an educational facility shall be permitted in the CA-C sub-zone, upon application for building permit pursuant to section 33-340 of this code, when otherwise in

compliance with the zoning regulations, including all prior zoning approvals, where any of the following is proposed:

- (iv) any on-site expansion or modification of non-occupied space, including but not limited to bus drop-offs, parking lots, and playing field improvements;
- (v) any on-site expansion or modification of non-classroom occupied space, up to 25% above the square footage of the educational facility as of the effective date of this ordinance (_____, 2004); or
- (vi) any on-site expansion or modification of classroom space, up to 25% above the number of student stations at a traditional public educational facility authorized as of the effective date of this ordinance (_____, 2004), or in the case of private and charter educational facilities, the number of students lawfully authorized for the facility as of the effective date of this ordinance (_____, 2004) by zoning action or building permit, whichever is less restrictive.

Any applicant for a building permit pursuant to the foregoing shall certify that the proposed expansion or modification, together with all prior expansions or modifications after the effective date of this ordinance (_____, 2004), does not exceed the limitations prescribed, and with such certification shall provide a listing of all building permits issued after such date authorizing expansions or modifications.

All other applications for expansions or modifications of an educational facility in the CA-C sub-zone shall be permitted upon demonstration that the requirements and standards established in section 33-337(B)(2), (3) and (4) have been met.

(C) Additional limitations. Any use otherwise permitted under this section or pursuant to the underlying zoning district shall be prohibited in the L, T, and TR Districts and within the inner ten thousand (10,000) feet of any IA District and the adjoining portions of TR Districts, all as depicted in the Airport Height Zoning Area Map defined herein, where such use constitutes or includes any of the following uses:

- (1) establishments or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport;

- (2) any establishment or use within the airport zoning area that may create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or in the eyes of the tower control operators; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft;
 - (3) landfills and associated uses that emit smoke gases, or dust or any use that may attract birds, within 10,000 feet of any runway; and
 - (4) aircraft touch and goes.
- (D) The prohibitions, restrictions and limitations in this section are minimum standards. Compliance with these standards shall not serve as a conclusive basis to approve a land use not otherwise in conformity with the CDMP, nor as a basis to amend the CDMP. <<

Section 8. Section 33-337 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-337. ~~[[Use restrictions.]]~~ >> Educational facilities standards. <<

~~[[Except as otherwise provided in this article, it shall be unlawful to put any land or water located within L or HZ Districts and within TR Districts adjoining L Districts and within the inner ten thousand (10,000) feet of IA Districts and the adjoining portions of TR Districts to any of the following prohibited uses:~~

~~(a) — Prohibited uses:~~

- ~~(1) — Establishment or uses that emit smoke, gases, or dust in quantities or densities sufficient to jeopardize the safe use of the airport.~~
- (2) ~~Notwithstanding any other provisions of this article, no use may be made of land or water within the airport zoning area in such a manner as to create electrical interference with radio communications between the airport and aircraft; make it difficult for aircraft pilots and tower control operators to distinguish between airport lights, aircraft and others; result in glare in the eyes of aircraft pilots using the airport, or in the eyes of the control tower operators; impair visibility in the vicinity of the airport; or~~

~~otherwise endanger the landing, taking off or maneuvering of aircraft.]]~~

>>(A) CA-B.

(1) Required information. All applicants for educational facilities in the CA-B sub-zone shall submit the following applicable information to the Department in accordance with the filing provisions of Article XXXVI of this Chapter for review by the Department and for consideration at public hearing.

(a) Written information.

- (1) Total size of the site. Gross and net figures shall be provided.
- (2) Maximum number of students to be served
- (3) Maximum number of teachers and administrative and clerical personnel
- (4) Maximum number of classrooms and total square footage of classroom space
- (5) Total square footage of non-classroom space
- (6) Amount and location of exterior recreational/play area in square footage
- (7) Maximum number and type of vehicles that will be used in conjunction with the operation of the facility
- (8) Number of parking spaces provided for staff, visitors, and transportation and operation vehicles, and justification that those spaces are sufficient for this facility
- (9) Grades or age groups that will be served
- (10) Days and hours of operation, weekly and annually
- (11) An explanation of any such activities anticipated to be conducted in association with the educational facility but typically conducted outside of the hours of operation of the educational facility
- (12) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application
- (13) A copy of the charter approved by the Miami-Dade County Public School Board in the case of a charter school.
- (14) Where an educational facility is to be operated in a structure simultaneously used as a residence, religious facility or other type of facility, the area which will be specifically used for the educational facility during the hours of operation shall be clearly defined. The applicant for approval of an educational facility shall additionally provide explanation regarding any activities anticipated to be conducted in conjunction with the educational facility, including but not limited to adult education classes, community outreach facilities, and civic building use. Such uses not determined by the Director to be directly associated with the educational facility operation shall require approval as otherwise specified within this code.

(b) Graphic information. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects:

- (1) A plan indicating existing zoning on the site and adjacent areas
 - (2) A plan indicating the applicable and adjacent sub-zones of the Airport Land Use Zoning Map for Miami International Airport and Surrounding Area and distances from the application property line to the nearest property line of each sub-zone, and a plan depicting the maximum structure height in the applicable Airport Height Zoning Area Map for Miami International Airport.
 - (3) A dimensioned site plan drawn to scale indicating the following:
 - (a) Location of all structures and setback dimensions from all property lines
 - (b) Parking area layout, automobile stacking area for drop-off and pick-up of children, and drives
 - (c) Walkways
 - (d) Location of recreation areas and play equipment which shall include surrounding fences and/or walls
 - (e) Any other features which can appropriately be shown in plan form.
 - (4) Floor plans and elevations of all proposed structures.
 - (5) Landscape development plan listing quantities, size, height and names of all plants in accordance with Chapter 18A of this code.
- (2) Exception Standards. The establishment of an educational facility is permitted in the CA-B sub-zone after public hearing upon demonstration that the following standards have been met, when not otherwise in conflict with the requirements for school districts established by the Florida Statutes:
- a. Public policy standard. For each new educational facility or an expansion or modification to an existing educational facility, there shall be specific findings made that the public policy reasons for allowing construction of such a facility or expansion outweigh health and safety concerns of such construction at the specified location. The phrase "public policy reasons" includes the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.
 - b. No comparable site. Evidence that no suitable comparable site exists outside of the CA-B sub-zone where the facility could be located.

c. Impact on aviation related industrial or commercial operations and activities. Where educational facilities are proposed in or adjacent to industrial or commercial areas it shall be clearly demonstrated, in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport, is minimized.

d. Operation of the airport. No public hearing approval, or any condition or restriction on such approval, shall impose or result in any limitation or operational modification associated with the operation of the airport.

e. Objection of transportation authorities. Objections to the application by the Federal Aviation Administration (FAA) or the Florida Department of Transportation (FDOT) have been satisfactorily addressed.

f. Ingress, egress and traffic compatibility. Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including by not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.

g. Auto Stacking. Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.

h. Hours of operation. The hours of operation of the facility shall not cause or create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.

i. Environmental hazard potential. The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of, or visitors to, the facility.

j. CDMP standards. The educational facility, its site and operations, shall be consistent with the goals objectives and policies of the Comprehensive Development Master Plan, in particular those polices which seek to maximize compatibility of land use around airports.

k. Transportation Safety Analysis. Historical transportation safety data shall be provided to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site may place students at a greater safety risk than if the proposed educational facility is located in the CA-B sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.

l. Noise. Educational facilities with outdoor recreational areas shall not be located in the vicinity of any nonresidential property from which noise exceeding sixty (60) decibels at the property line is produced.

m. Gas transmission or fuel facilities. Educational facilities shall not be located on a site within one hundred (100) feet of any gas transmission line or fuel facilities.

n. Emergency access. Unobstructed on-site access for emergency equipment shall be provided.

o. Circulation. Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the educational facility should be routed in such a manner as to minimize impact on development.

p. Energy conservation. Applicants are advised to consider requirements of Chapter 52 of the applicable building code.

q. Visual screening for decorative walls. In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(1) Wall with landscaping. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner. The landscape buffer shall contain one (1) or more of the following planting materials:

(a) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(b) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(c) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

r. *Signs and outdoor lighting.* All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.

s. *Roof installations and facilities.* All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.

(B) CA-C.

(1) *Public policy determination.* The establishment, expansion or modification of an educational facility is permitted in the CA-C sub-zone without a public hearing. As to new educational facilities or expansions of existing educational facilities within the CA-C sub-zone, the Board finds that the public policy reasons for allowing construction of such facilities or expansions outweigh health and safety concerns of such construction, where the requirements of this subsection are met. The phrase "public policy reasons" is defined as the need for additional student stations to serve the immediate population within a specified area, as determined by data supplied by Miami-Dade County Public Schools.

(2) Required information . All applicants for educational facilities in the CA-C sub-zone shall submit to the department the information required in paragraph (A)(1)(a) and (b) above.

(3) Site Plan Review Criteria. For both unincorporated and incorporated areas, the Department shall review plans and required information for new educational facilities, and expansions and modifications to existing educational facilities other than as provided in section 33-336(B)(5) of this code, for compliance with the zoning regulations and for compliance with the site plan review criteria. The decision of the Department pursuant to the site plan review criteria may be appealed to the Board of County Commissioners within thirty (30) days after decision is rendered in writing. The purpose of the site plan review is to encourage logic, imagination and variety in the design process and thereby insure the congruity of the proposed development and its compatibility with the surrounding and adjacent areas. All final plans submitted for building permits shall be substantially in compliance with plans approved under the plan review procedure herein established.

The following criteria shall be utilized by the Department and by the Board, upon appeal, in the review process, when not otherwise in conflict with requirements for school districts established by the Florida Statutes:

(1) CDMP standards. The educational facility, its site and operations, shall be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan, in particular those policies contained within the Land Use Element which seek to maximize compatibility of land use around airports.

(2) Planning studies. Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.

(3) Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen non-compatible uses and ameliorate the impact of noise.

(4) Compatibility. The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices

as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.

(5) *Impact on industrial or commercial operations and activities.* Where educational facilities are proposed in or adjacent to, industrial or commercial areas it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through site design techniques, traffic control methods and/or operational modifications. In particular it shall be clearly demonstrated how the impact on operations of those commercial and/or industrial areas whose primary mode of transport for goods is Miami International Airport is minimized.

(6) *Environmental hazard potential.* The educational facility, expansion or modification shall not be located on any site that poses an environmental hazard potential to users of or visitors to the facility.

(7) *Emergency access.* Unobstructed on-site access for emergency equipment shall be provided.

(8) *Circulation.* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the educational facility should be routed in such a manner as to minimize impact on development.

(9) *Ingress, egress and traffic compatibility.* Traffic generated by the users of the facility shall be controlled to an extent so that congestion is not created on adjoining rights-of-way and so that the ingress or egress of vehicles and/or pedestrians to, or associated with, the lawful use of adjoining properties is not impeded. The applicant shall demonstrate in its application how such control will be implemented and maintained through the use of traffic control measures, including by not limited to, traffic enforcement officers, hours of operation, speed limits and signalization.

(10) *Transportation safety analysis.* Historical transportation safety data shall be provided to demonstrate that the transportation of students via bus to a reasonable alternative educational facility site outside the CA-C may place students at a greater safety risk than if the proposed educational facility is located at the

application site in the CA-C sub-zone. Such data shall include but not be limited to, data on school bus accidents as compiled by Miami-Dade County Public Schools.

(11) *Hours of operation.* The hours of operation of the facility shall not cause to create pedestrian and/or vehicular conflicts with the lawful use of adjoining properties. The hours of operation of all activities associated with the educational facility shall be limited to those reasonable hours deemed compatible with the use of adjoining properties.

(12) *Auto Stacking.* Designated area(s) for auto stacking shall be included on any site plan for an educational facility and shall be located the farthest distance possible from the principal points of ingress/egress to the site. Sufficient auto stacking spaces shall be provided on site to eliminate any spillover of waiting vehicles onto adjacent rights-of-way or adjacent properties.

(13) *Energy conservation.* Applicants are advised to consider requirements of Chapter 52 of the applicable building code.

(14) *Visual screening for decorative walls.* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner. The landscape buffer shall contain one (1) or more of the following planting materials:

(1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.

(3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.

Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

(15) *Signs and outdoor lighting.* All lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with the building design and shall not interfere with the continued use and operation of Miami International Airport.

(16) *Roof installations and facilities.* All permitted installations housing mechanical or other equipment located on the roof shall be screened from ground view and from the view at the level at which the installations are located, and shall not interfere with the continued use and operation of Miami International Airport.

(4) *Notice.* Published notice of an application for site plan review shall be provided in the manner prescribed for laymans' notice prescribed in section 33-310 (c)(1)(B) of this code.

(5) Upon execution of an interlocal agreement, the County may delegate to a municipality the powers and duties of the Department of Planning and Zoning under this subsection (B) pertaining to the CA-C sub-zone. Any such agreement shall provide for the application of all requirements, standards and procedures contained herein, including but not limited to appeal of any decision under this subsection (B) to the Board of County Commissioners.<<

Section 9. Section 33-338 of the Code of Miami-Dade County, Florida, is hereby

amended as follows:

Sec. 33-338. Nonconforming uses, regulations not retroactive.

The regulations prescribed by this article or any amendment thereto shall not be construed to require the removal, lowering, or other change or alteration of any permanent structure or tree or use lawfully in existence not conforming to the regulations as of ~~[[the effective date hereof]]~~ >> July 19, 1969,<< or otherwise interfere with the continuance of any nonconforming use. After the effective date ~~[[hereof]]~~ >>of this ordinance<< property owners shall not be permitted to >>erect any structure or to<< grow or maintain trees to heights in excess of those provided herein>>.<< ~~[[Nothing~~

~~herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was lawfully begun prior to the effective date of this article, and is diligently prosecuted and completed within the time limit as prescribed by the South Florida Building Code]]~~ Notwithstanding the preceding provisions of this article, the owner of any such nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such marking, or marking and lighting, as shall be deemed necessary by the Director of the Miami-Dade County Aviation Department, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazard. Such marking, or marking and lighting, and the installation, operation and maintenance thereof, or such disposition of the hazard as may be agreed upon by and between the owner and the Director of the Miami-Dade County Aviation Department in lieu of such marking, or marking and lighting, shall be at the expense of the Miami-Dade County Aviation Department.

Section 10. Section 33-339 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-339. Administration and enforcement.

It shall be the duty of the Director >>of the Department of Planning and Zoning of Miami-Dade County, Florida,<< to administer ~~[[and enforce]]~~ the regulations prescribed herein in accordance with Section 2-~~[[105]]~~>>118<<, Code of Miami-Dade County, Florida >>within unincorporated Miami-Dade County<<. It shall be the duty of Team Metro to enforce these regulations >>within unincorporated Miami-Dade County. The appropriate municipal official shall administer and enforce these regulations for Miami-Dade County in the incorporated areas.<<

In the event of any violation of the regulations contained herein, the person responsible for such violation shall be given notice in writing by Team Metro >>or the appropriate municipal administrative official<<. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Director of the Miami-Dade County Aviation Department, >>as well as the Director of the Department of Planning and Zoning. << ~~[[A]]~~ >>The Director of the Department of Planning and Zoning or the director of the appropriate municipal office <<~~[[Department administrative official]]~~ >>or designee<< shall order discontinuance of use of land or buildings, removal of trees to conform with height limitations set forth herein, removal of buildings, additions, alterations, or structures, discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

Section 11. Section 33-340 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-340. Permits.

~~[[Applications for permits under this article shall be obtained from the appropriate Building and Zoning Department or agency.~~

~~Applications for permits for all construction, for adding height to any existing structures, and for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial or industrial use in any airport zone classification district lying within unincorporated areas of Miami Dade County, shall be obtained from the Director and from the Building Department. Application for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is to be used during construction.~~

~~All applications for permits made to appropriate municipal Building and Zoning Departments or agencies for all construction or for adding height to any existing structure, and for all alterations, repairs, or additions that will change the use of a structure from the existing use to any commercial or industrial use in any airport zone classification district lying within a municipality for which airport zone classification district boundaries have been established herein, shall be approved by the Director and the Building Official or by their duly authorized representatives prior to issuance of the permit by any municipal Building and Zoning Department or agency for the purpose of assuring compliance with the minimum standards governing zoning as set forth in this article; provided, however, no approval by the Director and Building Official will be required for building and use permits from municipalities which have adopted by ordinance airport zoning regulations, (or general zoning ordinances) the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the areas covered by this article. No approval by the Director and Building Official will be required for building and use permits from municipalities which have adopted by ordinance the minimum standards of which are at least as restrictive as the minimum standards prescribed herein as such apply to the area covered by this article; provided, however, that no municipality may grant any variance to said general zoning regulations which would make said minimum standards less restrictive than the minimum standards prescribed herein.~~

~~Permits will be approved by the Director and Building Official or their duly authorized representatives unless the proposal fails to meet the requirements of all applicable zoning regulations and building codes, including the provisions of this article.~~

~~Permits, when applied for by applicants intending to use derricks, draglines, cranes and other boom equipped machinery for such construction, reconstruction or alteration as is consistent with the provisions hereof, shall, when the machine operating height exceeds the height limitations imposed by this article, require the applicant to mark, or to mark and light the machine to reflect conformity with the Federal Aviation Administration's or the Miami Dade County Aviation Department's standards for marking and lighting obstructions, whichever is the more restrictive, and shall require the~~

~~applicant in such cases to obtain approval from the Director of the Miami-Dade County Aviation Department of the location, height and time of operation for such construction equipment use prior to the issuance of a construction permit to the applicant.~~

~~Any decision of the Director may be appealed as provided and prescribed under Article XXXVI, of Chapter 33, Code of Miami-Dade County, Florida.]]~~

>>In the incorporated areas of Miami-Dade County, approval of permits under this article shall be obtained from the appropriate municipal building department director for the purpose of assuring compliance with the minimum zoning standards as set forth in this article. In the unincorporated areas, approval of permits under this article shall be obtained from the Directors of the Miami-Dade County Building Department and the Department of Planning and Zoning. In all instances, a copy of the application for permit shall be provided to the Director of the Miami-Dade Aviation Department and the Director of the Planning and Zoning Department at the time said permit application is submitted. All permits for public educational facility projects will be issued through the Miami-Dade Public School Building Department, or for charter schools, other certified building department approved by the School Board of Miami-Dade County. Proof of notice to the Miami-Dade Aviation Department shall be submitted to the appropriate building department prior to issuance of a permit. The Director of Miami-Dade Aviation Department shall have seven (7) business days after receipt of such notice to submit written objections to the requested permit application, if any, to the permit applicant, and to the Director of Planning and Zoning or to the appropriate building department.

Approval of permits is required for all new construction, for adding height to any existing structure, for all alterations, repairs, or additions that will change the use of the structure from the existing use to any commercial, industrial, educational or residential use in any airport zone district lying within both the unincorporated as well as the incorporated areas of Miami-Dade County, for which airport zone boundaries have been established herein. Such applications for permits shall include the height and location of derricks, draglines, cranes and other boom-equipped machinery, if such machinery is used during construction. No person shall operate such equipment until approval from the Director of the Miami-Dade Aviation Department is obtained.

Notwithstanding any provisions of this ordinance in approving any permit under this article, the Director of the Miami-Dade Aviation Department shall require the owner of the structure or tree for which a permit is being sought, to install, operate and maintain thereon at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standard established by rule of the Department of Transportation.

Any decision of the Miami-Dade County Department of Planning and Zoning shall be appealed, pursuant to the provisions of this article, as provided and prescribed under Article XXXVI, of this Chapter. Any decision of the Miami-Dade County Building Department or municipal building official regarding the application of airport

zoning regulations shall be appealed to the Miami-Dade County Board of County Commissioners in accordance with the same provision of this Chapter. The Director of the Planning and Zoning Department or designee is authorized to appeal decisions of a municipality granting permits pursuant to this section in accordance with the procedures of Miami-Dade County, to challenge issuance of the permit for failure to comply with the provisions of this article. <<

Section 12. Section 33-341 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-341. Nonconforming uses abandoned or destroyed.

Whenever the ~~[[Director]]~~ >>appropriate zoning<< official determines that the height limits or use standards of this article will be violated by the reconstruction, substitution or replacement of an existing nonconforming use, structure or tree, no permit shall be granted for such reconstruction, substitution or replacement. Whether application is made for a permit under this paragraph or not, the >>appropriate zoning official << ~~[[Director]]~~ may by appropriate action require the owner of the nonconforming structure or tree to permit the Miami-Dade County Aviation Department at its expense to lower, remove, or mark, or mark and light such object as may be necessary to conform to these regulations. >> No permit shall be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation that it was when this ordinance was adopted or than when the application for permit is made. <<

Section 13. Section 33-342 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-342. Variances >>and exceptions<< limited.

>>(1)<< Any person desiring to erect or increase the height of any structure, or permit the growth of any tree >>;<< or otherwise use ~~[[his]]~~ property~~[[;]]~~ not in accordance with the regulations prescribed in this article, ~~[[may apply to the appropriate zoning board]]~~ >>shall follow the procedures set forth below<< for a variance >>or exception<< from such regulations. ~~[[as provided and prescribed under Article XXXVI of Chapter 33, Code of Miami-Dade County, Florida. Allowance of such variances shall be limited only to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty and unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation or establishment of airport and airspace hazards, thereby~~

~~protecting the lives and property of users of the Miami International Airport (Wilcox Field) and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.]]~~

>>(2) Applications expressly for variances, exceptions, or any other authorization for any structure or use not expressly authorized by this article shall be submitted and determined in accordance with the procedures provisions and requirements set forth herein and in Florida Statutes, Section 333.03 and Sections 333.07 through and including 333.11 (1998), as may be amended from time to time. Notwithstanding any other provisions of the Code of Miami-Dade County to the contrary, for the purpose of zoning applications within the incorporated and the unincorporated area filed under this Article, the Board of County Commissioners shall constitute the board of adjustment pursuant to Florida Statutes, Section 333.10, and shall utilize the procedures for processing zoning applications pursuant to this article.

(3) Prior to filing any application for variance or exception, the applicant shall forward to the Florida Department of Transportation by certified mail, return receipt requested, a copy of the application for review and comment, if any, by the Florida Department of Transportation. Copies of the return receipt must be filed with the Director of the Department of Planning and Zoning at the time of filing the application. No public hearing on the application may commence less than forty-six (46) days after receipt of the application by the Florida Department of Transportation. Notwithstanding any other provision of this code, failure to comply with the requirements of this subsection shall be grounds for appeal as set forth in section 333.07(2)(a), Florida Statutes.

The applicant shall submit with the application documentation showing compliance with the federal requirement for notification of the proposed construction and a valid aeronautical evaluation of the application.

(4) Approval of variances, when not specifically prohibited by this article, shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest but granting thereof would do substantial justice and be in accordance with the intent and purpose of this article. The intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Miami International Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein. Any variance may be subject to any reasonable conditions necessary to effectuate the purposes of this Chapter.

(5) In determining whether the standard set forth in paragraph (4) above has been met, the following factors pertaining to the public interest shall be considered:

- (a) the nature of the terrain and height of existing structures;
- (b) public and private interest and investments;
- (c) the character of flying operations and planned future development of Miami International Airport;
- (d) federal airways as designated by the Federal Aviation Administration;
- (e) whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at Miami International Airport;
- (f) technological advances;
- (g) the safety of persons on the ground and in the air;
- (h) land use density;
- (i) safe and efficient use of navigable airspace; and
- (j) the cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

No variance shall be approved solely on the basis that the proposed structure or use will not exceed federal obstruction standards, or any other federal aviation regulation.

(6) Notwithstanding the foregoing provisions of this section, in granting any variances or any other authorization for any structure or use not expressly authorized herein, the Board of County Commissioners shall require the owner of the structure or tree for which such authorization is being sought to install, operate and maintain thereon, at the owner's sole expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction, such marking and lighting to conform to the specific standards established by rule of the Florida Department of Transportation.<<

Section 14. Section 33-343 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-343. Conditions to >> site plan approvals, public hearing approvals and << variances.

Any site plan approval, public hearing approval or variance granted under this article may, if such action is deemed advisable to effectuate the purposes of this article and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain >>at his or her expense<<, or to permit the Miami-Dade County Aviation Department to install, operate, and maintain thereon at the owner's expense, such marking, or marking and lighting, as may be necessary to indicate to aircraft pilots the presence of an airport hazard. >> Such other reasonable conditions may also be imposed as to ensure compliance with the intent of this article. <<

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Section 15. Section 33-303.2 of the Code of Miami-Dade County, Florida is hereby created as follows:

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>> Sec. 33-303.2 Airport Developmental Impact Committee.

There is hereby established an Airport Developmental Impact Committee Executive Council. When a zoning application under Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning) is for property located entirely in the unincorporated area of Miami-Dade County, the Airport Developmental Impact Committee Executive Council shall be composed of the County's Developmental Impact Committee Executive Council established by section 33-303.1 of this code. When a zoning application under Article XXXVII of the code is for property located in whole or in part in the incorporated area of any municipality, the Airport Developmental Impact Committee Executive Council shall be composed of the persons described above and the Mayor of the municipality, if not a voting member of the municipal governing body, or if the Mayor is a voting member, then the City Manager of said municipality serving as the representative from the municipality where the application property is located. The Airport Developmental Impact Committee Executive Committee shall, in accordance with the procedures in section 33-303.1 of this code, review and make recommendations to the Board of County Commissioners on all applications for exceptions, variances and appeals of decisions on applications for site plan approval under Article XXXVII of this code.

Mailed notice of meetings of the Airport Developmental Impact Committee Executive Council shall be provided in the manner prescribed for notice of applications for special exceptions under section 33-310(d)(2) of this code. Mailed notice of meetings shall also be provided simultaneously to any municipality in which an application site is located. Applications shall comply with the procedural requirements of section 33-304 of this code. <<

Section 16. Section 33-314 of the Code of Miami-Dade County, Florida is hereby amended as follows:

* * *

- (C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

>>(12) Hear application for and, upon recommendation of the Airport Developmental Impact Committee Executive Council, grant or deny applications for those special exceptions and variances pursuant to Article XXXVII of this code (Miami International Airport (Wilcox Field) Zoning).<<

Section 17. Section 33-343.1 of the Code of Miami-Dade County, Florida is hereby created as follows:

>>**Sec. 33-343.1. Notice of airport proximity**

All approval of uses in the CA-A sub-zone, including but not limited to approvals of permits, site plans, exceptions and variances, shall include the following notice prominently displayed:

NOTIFICATION OF AIRPORT PROXIMITY

The property that is the subject of this zoning approval is located in proximity to Miami International Airport and is therefore subject to certain impacts as a result of such proximity. Among the potential impacts are increased noise levels associated with aircraft and airport operations, overhead aircraft flights at reduced altitudes, and frequent overhead aircraft flights throughout the day and night.

Application for and utilization of any approval under Article XXXVII of the Code of Miami-Dade County (Miami International Airport (Wilcox Field) Zoning), shall constitute acknowledgment of the above-described conditions, and acknowledgement that the owner of the property and successors in title are not entitled to any present or future relief or compensation from Miami-Dade County or any other party to mitigate or ameliorate such impacts.

Additionally, each approval of a new educational facility, or an expansion or modification of an existing educational facility, in the Critical Approach (CA) Zone shall contain notification that the facility is located within 5 miles of a Miami International Airport runway.<<

Section 18. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 19. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

Section 20. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

AAC

Prepared by:

JAC

Joni Armstrong Coffey

Sponsored by Commissioner Jose "Pepe" Diaz

AIRPORT LAND USE ZONING MAP FOR MIAMI INTERNATIONAL AIRPORT AND
SURROUNDING AREA

&

AIRPORT HEIGHT ZONING AREA MAP FOR MIAMI INTERNATIONAL AIRPORT

MAPS ARE AVAILABLE FOR INPECTION DURING REGULAR BUSINESS HOURS AT:

1. MIAMI-DADE DEPARTMENT OF PLANNING & ZONING
111 N.W. 1ST STREET
FLOOR 11
MIAMI FLORIDA 33128
TELEPHONE: 305 375-2800
2. MIAMI-DADE COUNTY AVIATION DEPARTMENT
OFFICE OF AIRCRAFT NOISE AND ENVIRONMENTAL PLANNING
BUILDING 845
5600 N.W. 36TH STREET
MIAMI, FLORIDA
TELEPHONE: 305 876-0569
3. CLERK OF BOARD OF COUNTY COMMISSIONERS
111 N.W. 1ST STREET
FLOOR 17
MIAMI FLORIDA 33128
TELEPHONE: 305 375-1295